



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Moab Field Office

82 East Dogwood

Moab, Utah 84532

<http://www.blm.gov/ut/st/en/fo/moab.html>



M1037/0088
cc: Mike

IN REPLY REFER TO:

3809

UTU-72499

(UTY012)

RECEIVED

AUG 05 2013

CERTIFIED MAIL # 7012 2920 0001 9165 3002

RETURN RECEIPT REQUESTED

DIV. OF OIL, GAS & MINING

DECISION

Lisbon Valley Mining Company LLC :

Attn: Lantz Indergard :

755 North Main Street, Suite B :

Moab, Utah 84532 :

Surface Management

NONCOMPLIANCE ORDER

On the morning of July 30, 2013, you visited with Rebecca Doolittle, the Moab Field Office geologist, to disclose that Lisbon Valley Mining had inadvertently begun withdrawing water from underground mine workings situated on public lands managed by the Bureau of Land Management (BLM). Based on your conversation with Ms. Doolittle, Lisbon Valley Mining did not drill the well, but found an open, abandoned drill hole that appears to connect to a water bearing zone. Lisbon thought that the area of the drill hole was located on private land it owns in Section 6, T. 31 S., R. 26 E. Salt Lake Baseline Meridian. However, Lisbon Valley Mining had its property surveyed and discovered that the drill hole is located 100 feet to the west on lands managed by the BLM in Section 1, T. 31 S, R. 25 E, Salt Lake Baseline Meridian. Lisbon Valley Mining has a water right to withdraw water from this location, assuming the water right is in Section 1 and not in Section 6.

Bringing this situation to the BLM's attention is greatly appreciated. In order to resolve this Noncompliance Order and under authority of 43 CFR 3809.601(a), Lisbon Valley Mining is ordered, within 30-days from receipt of this order to do one of the following items:

1. Provide the Moab Field Office with a Plan of Operations Modification as required by 43 CFR 3809.431. To continue withdrawing water from this location, the Moab Field Office must issue a decision approving the Plan of Operations Modification, or

2. Remove the well pump and reclaim the drill hole that the pump was placed in.

If Lisbon Valley Mining does not comply with this order, the BLM may take further action against you pursuant to 43 CFR 3809.601(b) and issue a Suspension Order for all or part of the Lisbon Valley Copper Mining operation. Additionally, action could be taken under 43 CFR 3809.604 or 3809.700.

Appeal of the Decision

If you do not agree and are adversely affected by this decision, you may request that the Utah BLM State Director review this decision. If you request a State Director Review, the request must be received in the Utah BLM State Office at 440 West 200 South, P.O. Box 45155, Salt Lake City, Utah 84145-0155, no later than 30 calendar days after you receive or have been notified of this decision. The request for State Director Review must be filed in accordance with the provisions in 43 CFR 3809.805. This decision will remain in effect while the State Director Review is pending, unless a Stay is granted by the State Director. If you request a Stay, you have the burden of proof to demonstrate that a Stay should be granted.

If the State Director does not make a decision on your request for review of this decision within 21 days of receipt of the request, you should consider the request declined and you may appeal this decision to the Interior Board of Land Appeals (IBLA). You may contact the Utah BLM State Office to determine when BLM received the request for State Director Review. You have 30 days from the end of the 21 day period in which to file your Notice of Appeal with this office at Moab Field Office at 82 East Dogwood, Moab, Utah 84532, which we will forward to IBLA.

If you wish to bypass a State Director Review, this decision may be appealed directly to the IBLA in accordance with the regulations at 43 CFR 3809.801(a)(1). Your Notice of Appeal must be filed in this office at Moab Field Office at 82 East Dogwood, Moab, Utah, 84532, within 30 days from receipt of this decision. As the appellant you have the burden of showing that the decision appealed from is in error.

If you wish to file a petition pursuant to regulations 43 CFR 4.21 for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the IBLA, the petition for a stay must accompany your Notice Appeal. Copies of the Notice of Appeal and petition for stay must also be submitted to each party named in the decision and to the Office of the Solicitor at Federal Building Rm-6201, 125 South State Street, Salt Lake City, Utah 84138, at the same time the original documents are filed in this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted based on the standards listed below.

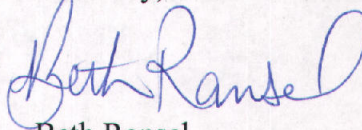
Standards of Obtaining a Stay

Except as otherwise provided by law or other pertinent regulation, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards:

1. The relative harm to the parties if the stay is granted or denied;
2. The likelihood of the appellant's success on the merits;
3. The likelihood of immediate and irreparable harm if the stay is not granted; and
4. Whether the public interest favors granting the stay.

If you have any questions concerning this matter please contact Rebecca Doolittle at (435) 259-2141.

Sincerely,



Beth Ransel
Field Manager

Enclosure

1 Form 1842-1, Information on Taking Appeals to the Interior Board of Land Appeals

cc: BLM Utah State Office, UT-923
DOGM, M/037/0088